

Appl. No. 10/720,557  
Atty. Docket No. 9130M  
Amdt. dated January 31, 2006  
Reply to Office Action of 1/31/05  
Customer No. 27752

### REMARKS

#### Claim Status

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 8 have been amended to remove a semi-colon in order to more specifically characterize the facing layer as intended. Support for this amendment is found in the specification at page 3, line 18.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

#### Rejection Under 35 USC §102(b) Over Cree et al. (US Pat. No. 6,103,953)

Claims 1-17 are rejected under 35 USC §102(b) as being unpatentable over Cree et al. (US Pat. No. 6,103,953). This rejection is traversed because Cree does not teach each and every element of the claimed invention.

Anticipation is established only if (1) all the elements of an invention, as stated in a patent claim, (2) are identically set forth, (3) in a single prior art reference.

The Office Action fails to show where Cree teaches a facing layer comprising both, (1) a first region comprising a plurality of apertures, and (2) a second region comprising a plurality of out-of-plane deformations as recited in Claims 1 and 8.

The "flexure-resistant deformation element" referred to in the Office Action is not part of the facing layer. The deformation element is disclosed as being on the "garment-facing side" of the sanitary napkin (col. 18, line 17). Applicants find no indication in Cree as to the affect on the facing layer of the deformation layer that is located on the garment-facing side of the sanitary napkin. It is not evident from Cree that the deformation element could or would make "a plurality of out-of-plane deformations" on the facing layer, as recited in Claims 1 and 8.

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Accordingly, it is not the case that Cree identically sets forth every element of independent Claims 1 and 8 or their respective dependent claims. Applicants respectfully request the withdrawal of the rejection of Claims 1-12.

The Office Action does not indicate where in Cree is found "said facing layer comprising a plurality of out-of-plane deformations, said out-of-plane deformations being a plurality of soft, resilient, rib-like elements" as recited in independent Claim 13.

Accordingly, it is not the case that Cree identically sets forth every element of independent Claim 13 or its respective dependent claims. Applicants respectfully request the withdrawal of the rejection of Claims 13-17.

**Rejection Under 35 USC §102(b) Over Rajala (US Pat. No. 6,165,306)**

Claims 18 and 20 are rejected under 35 USC §102(b) as being unpatentable over Rajala (US Pat. No. 6,165,306). This rejection is traversed because Rajala does not teach each and every element of the claimed invention.

Anticipation is established only if (1) all the elements of an invention, as stated in a patent claim, (2) are identically set forth, (3) in a single prior art reference.

The Office Action fails to show where Rajala teaches a pair of intermeshing rollers. The "patterned embossing roller" and "anvil roller" are not disclosed as being "intermeshing" (col. 6, lines 23-27). In general, embossing rollers are not intermeshing unless both are described as "patterned" and the patterns are such that intermeshing is possible. No such possibilities are alluded to in Rajala.

Accordingly, it is not the case that Rajala identically sets forth every element of independent Claim 18 and dependent Claim 20. Applicants respectfully request the withdrawal of the rejection of Claims 18 and 20.

**Rejection Under 35 USC §103(a) Over Rajala in view of Anderson et al (US Pat. No. 4,100,324)**

Claim 19 has been rejected under 35 USC §103(a) as being unpatentable over Rajala in view of Anderson et al (US Pat. No. 4,100,324). This rejection is traversed

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because the cited references do not establish a *prima facie* case of obviousness because they do not teach or suggest all of the claim limitations of Claim 19.

The Office Action fails to show where Rajala teaches a pair of intermeshing rollers. The "patterned embossing roller" and "anvil roller" are not disclosed as being "intermeshing" (col. 6, lines 23-27). In general, embossing rollers are not intermeshing unless both are described as "patterned" and the patterns are such that intermeshing is possible. No such possibilities are alluded to in Rajala.

Anderson fails to remedy the deficiency of Rajala. Rajala also discloses a patterned roll and an anvil roller, not intermeshing rolls.

Accordingly, there can be no teaching or suggestion of the claim limitation of independent Claim 18, or its dependent Claim 19. Applicants respectfully request the withdrawal of the rejection of Claim 19.

#### Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-20 is respectfully requested.

Respectfully submitted,

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